

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LATAUSHA SIMMONS,

Plaintiff,

v.

CITY OF WARREN et al.,

Defendants.

Case No. 19-11531

Honorable Laurie J. Michelson

Mag. Judge Elizabeth A. Stafford

**ORDER ACCEPTING REPORTS AND RECOMMENDATIONS [126, 127],
GRANTING DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT
[64, 65, 66], DENYING DEFENDANTS' MOTION TO DISMISS AS
SANCTIONS [70], DENYING PLAINTIFF'S MOTION FOR LEAVE TO
AMEND [120], DISMISSING CASE, AND ENJOINING PLAINTIFF
FROM FILING WITHOUT LEAVE OF COURT**

Plaintiff LaTausha Simmons, proceeding pro se, sues the City of Warren, Macomb County, and officials of those municipalities for alleged offenses arising from a confrontation with police officers in May 2016 and Simmons's subsequent arrest and detention in September 2016. (ECF No. 1.) All pretrial matters in this case were referred to Magistrate Judge Elizabeth Stafford. (ECF No. 7.) On April 4, 2025, she issued two Reports and Recommendations: one denying Simmons' fourth motion for leave to amend the complaint (ECF No. 126), and the other recommending that the Court grant Defendants' motions for summary judgment, deny Defendants' motion to dismiss as a discovery sanction, and enjoin Simmons from filing lawsuits in this district without leave of court (ECF No. 127).

At the conclusion of her Recommendations, Magistrate Judge Altman notified the parties that they were required to file any objections within 14 days of service, pursuant to Federal Rule of Civil Procedure 72(b)(2) and Eastern District of Michigan Local Rule 72.1(d), and that “[i]f a party fails to timely file specific objections, any further appeal is waived.” (ECF No. 126, PageID.2567; ECF No. 127, PageID.2618.) Since Simmons was served via mail, three days are added to the objection period under Federal Rule of Civil Procedure 6(d), making her objections initially due April 21, 2025. The Court granted Simmons two extensions of this deadline, giving Simmons until May 19 to file objections. (ECF Nos. 129, 131.) In the last extension, the Court warned “since she will now have had a month to file objections (more than double the usual objection period) the Court does not anticipate granting Simmons any more extensions.” (ECF No. 131, PageID.2630.) That deadline has now passed, and no objections have been filed.

The Court finds that the parties’ failure to object is a procedural default, waiving review of the magistrate judge’s findings by this Court. It is well established in the Sixth Circuit that “a party shall file objections with the district court or else waive right to appeal.” *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981). As the Supreme Court explained in *Thomas v. Arn*, the Sixth Circuit’s waiver-of-appellate-review rule rests on the assumption that the parties’ failure to object to a magistrate judge’s Report and Recommendation is a procedural default “waiving review even at the district court level.” 474 U.S. 140, 149 (1985); *see also Garrison v. Equifax Info. Servs., LLC*, No. 10-13990, 2012 WL 1278044, at *8 (E.D. Mich. Apr.

16, 2012) (“The Court is not obligated to review the portions of the report to which no objection was made.” (citing *Thomas*, 474 U.S. at 149–52)). The Supreme Court further held that this rule does not violate either the Federal Magistrates Act or the Federal Constitution. *Thomas*, 474 U.S. at 155.

The Court therefore finds that the parties have waived further review of the Magistrate Judge’s Reports and Recommendations and accepts the recommended dispositions. (ECF Nos. 126, 127.) Defendants’ motions for summary judgment (ECF Nos. 64, 65, 66) are GRANTED, Defendants’ motion to dismiss as a discovery sanction (ECF No. 70) is DENIED as moot, Simmons’ motion for leave to amend the complaint (ECF No. 120) is DENIED, and this case is DISMISSED WITH PREJUDICE. It is FURTHER ORDERED that Simmons shall be permanently enjoined from filing lawsuits in this district without leave of court. A separate order of injunction will follow.

SO ORDERED.

Dated: May 29, 2025

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE